REMARKS

Claims 1-35 were pending in the application. Claims 1, 4, 14, 17, and 29-35 have been amended. Accordingly, claims 1-35 remain pending in the application.

Allowable Subject Matter

Claims 23, 24, 27, and 28 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant appreciates Examiner's consideration of these claims.

35 U.S.C. §101 Rejection

Claims 1-13 and 34 were rejected under 35 U.S.C. 101 because the Examiner argues that the claimed invention is directed to non-statutory subject matter. Applicant has amended independent claims 1 and 34 to overcome this rejection.

35 U.S.C. §102 and §103 Rejections

Claims 1-9, 12, 14-22, 25, 29-32, 34, and 35 were rejected under 35 U.S.C. §102(e) as being anticipated by Gurumoorthy et al. (U.S. Patent No. 6,829,725). Claims 13, 26, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurumoorthy in view of Crippen et al. (U.S. Patent No. 6,688,965).

Gurumoorthy discloses a system and method of launching an operating system (OS). A firmware interface may be initially launched on a computer system. The firmware interface may comprise logic to attempt launching an operating system using an OS loader. Upon detection that the attempt is unsuccessful, the computer system may be automatically reset.

Applicant respectfully submits that Gurumoorthy fails to teach or suggest, "resetting the timer in response to the monitor module detecting a subsequent status signal within a determined period of time, wherein the subsequent status signal is provided by the system module at another one of the predetermined status points during state transitioning of the

system module" as recited by claim 1. The Examiner contends that these features are taught in column 6, line 20 of Gurumoorthy. Applicant respectfully disagrees. Gurumoorthy teaches:

> At block 210, the OS loader may set a watchdog timer to a prespecified time interval, attempt to launch an operating system, and wait at diamond 212 for <u>either a detection of a **successful** launch of the operating system at block 214 or an **unsuccessful** attempt at block 218</u>. (Column 6, Lines 20-24) (Emphasis added)

> Block 218 detects an **unsuccessful** <u>attempt to launch when the watchdog timer expires before the operating system has been launched</u> (i.e., the processing system is considered to be "frozen"). <u>Upon detection of such an **unsuccessful** attempt, block 220 initiates a system reset</u> at block 202. Otherwise, <u>if the operating **successfully** launches before the watchdog timer expires, block 214 may disable the watchdog timer and terminate the OS loader before the operating system takes control of the processing platform at block 216</u>. In the illustrated embodiment, block 214 may detect a successful launch of an operating system by, for example, detecting the completion of one more tasks initiated by the OS loader and the absence of one or more error conditions. (Column 6, Lines 37-49) (Emphasis added)

Anticipation requires the presence in a single prior art reference disclosure of <u>each and every element</u> of the claimed invention, <u>arranged as in the claim</u>. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The <u>identical</u> invention must be shown <u>in as complete detail</u> as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

While Gurumoorthy teaches, "if the operating **successfully launches** <u>before the watchdog timer expires</u>, block 214 may **disable** the watchdog timer and **terminate the OS loader**", Gurumoorthy fails to teach or suggest, "<u>**resetting**</u> the timer <u>in response to the monitor module detecting a subsequent status signal **within a determined period of time**</u>, wherein the subsequent status signal is provided by the system module at another one of the predetermined status points during state transitioning of the system module" as recited by claim 1. In other words, Gurumoorthy fails to teach that if the **subsequent**

status signal is detected within the determined period of time (which indicates this particular phase of the state transition completed successfully), the timer is **reset**. In fact, Gurumoorthy teaches away from this feature in that it teaches **disabling the watchdog timer and terminating the OS loader** if the operating system successfully launches before the watchdog timer expires. (Gurumoorthy, Column 6, Line 42-44) (Emphasis added)

Additionally, Applicant submits that Gurumoorthy fails to teach or suggest "generating a signal to indicate a failed transitioning of the system module in the event that the timer is not reset within the determined period of time" as recited by claim 1. The Examiner contends that these features are taught in column 6, line 20 of Gurumoorthy (see above). Applicant respectfully disagrees.

While Gurumoorthy teaches, "Block 218 detects an **unsuccessful attempt to launch** when the <u>watchdog timer expires before the operating system has been launched</u> (i.e., the processing system is considered to be "frozen"). <u>Upon detection of such an **unsuccessful** attempt, block 220 initiates a system reset</u> at block 202", Gurumoorthy fails to teach or suggest "<u>**generating a signal to indicate a failed transitioning of the system module**</u> in the event that the <u>**timer is not reset within the determined period of time**</u>" as recited by claim 1.

In accordance, claim 1 is believed to patentably distinguish over the cited references.

Likewise, independent claims 14, 29, 34, and 35 recite features similar to those highlighted above with regard to independent claim 1, and are therefore believed to patentably distinguish over the cited references for at least the reasons given in the above paragraphs discussing claim 1.

In addition, Claim 29 has been amended to incorporate the features of claim 27. Amended claim 29 recites:

A rack mountable computer system comprising:

a shelf configured to receive a plurality of modules;

a system module received in the shelf;

a monitor module received in the shelf and coupled to the system module;

wherein the system module is operable to provide status signals to the monitor module at predetermined system status points during state transitioning of the system module;

wherein the monitor module is operable to start a timer in response to detecting a first status signal provided by the system module at one of the predetermined status points during state transitioning of the system module;

wherein the monitor module is operable to reset the timer in response to detecting a subsequent status signal within a determined period of time, wherein the subsequent status signal is provided by the system module at another one of the predetermined status points during state transitioning of the system module; and

wherein the timer is operable to generate a signal to indicate a failed transitioning of the system module in the event that the timer is not reset within the determined period of time. (Emphasis added)

Applicant submits that amended independent claim 29 recites a combination of features deemed allowable by the Examiner. In accordance, claim 29 is believed to patentably distinguish over the cited references.

Furthermore, independent claim 34 has been amended to incorporate the features of independent claim 1 and dependent claim 10, and independent claim 35 has been similarly amended to incorporate the features of independent claim 14 and dependent claim 23. Applicant submits that each of the amended claims 34 and 35 recites a combination of features deemed allowable by the Examiner. In accordance, claims 34 and 35 are believed to patentably distinguish over the cited references.

For at least the reasons discussed above, Applicant respectfully submits that independent claims 1, 14, 29, 34, and 35 are patentably distinct from Gurumoorthy and Crippen, both individually and in combination. The remaining dependent claims provide additional limitations to the independent claims. Therefore, Applicant submits that claims 1-35 are in condition for allowance. Applicant respectfully requests withdrawal of the §102(e) and §103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5681-71200/BNK.

Respectfully submitted,
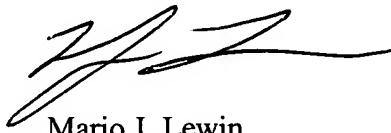
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